

Remarks

In the Office Action of April 30, 2007, the Examiner objected to the specification; objected to claims 18, 19-21, 24-29, 31, 32, 35-44, and 47 based on informalities; rejected claims 1-47 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; provisionally rejected claims 1-47 based on non-statutory obviousness-type double patenting in view of commonly assigned and co-pending application number 10/664,929; rejected claim 20 under 35 U.S.C. § 112, second paragraph; rejected claims 1-4, 6-11, 14-16, 19-21, 28, 29, 35, 37-39, 42-45, and 47 under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,665,715 to Houri ("Houri"); and rejected claims 5, 12, 13, 17, 18, 22-27, 30-34, 36, 40, 41, and 46 under 35 U.S.C. § 103(a) based on Houri and further in view of U.S. Patent Application Publication 2003/0061211 to Shultz et al. ("Shultz").

By this Amendment, Applicants amend claims 1, 4, 6, 14, 17-19, 24, 25, 27-31, 35, 40-43, 45, and 47 to improve form and cancel claims 5 and 15 without prejudice or disclaimer. Further, Applicants amend the specification to improve form.

Claims 1-4, 6-14, and 16-47 are currently pending.

The rejections of claims 5 and 15 are obviated by virtue of their cancellation.

Objection to the Specification

On page 2 of the Office Action, the Examiner objected to paragraph 0059 of the specification, stating that the word "'a' has a well known meaning as singular." Applicants do not necessarily agree with the Examiner. However, in order to expedite prosecution, Applicants have amended the specification to remove the language objected-to by the Examiner.

Claim Objections

Claims 18, 19-21, 24-29, 31, 32, 35-44, and 47 were objected to based on informality. In view of the amended version of the claims, Applicants submit that these objections should be withdrawn.

Rejection Under 35 U.S.C. § 101

Claims 1-47 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. According to the Examiner, “[i]n order for a method/system claim to be statutory, it must result in useful, concrete and tangible results.” (Office Action, page 5.)

Although Applicants do not agree with the rejection under 35 U.S.C. § 101, Applicants have amended independent claims 1, 6, 14, 30, 35, 45, and 47 to include features that now clearly recite useful, concrete and tangible results. Specifically, claim 1 has been amended to recite “storing an indication that the resource is associated with a geographic area corresponding to the located cluster,” claim 6 has been amended to recite “providing a document associated with the resource to the second user,” claim 14 has been amended to recite “storing the determined geographical relevance of the web site,” claim 30 has been amended to recite “where the search engine returns search results to a user based on the set of relevant documents,” claim 35 has been amended to recite “returning search results to the user based on the determined probability,” claim 45 has been amended to recite “stor[ing] an indication that the network resource is associated

with the determined geographic location,” and claim 47 has been amended to recite “means for storing an indication of the geographic relevance of the network resource.”

Applicants submit that each of these claims recite a result that is clearly useful, concrete, and tangible. Accordingly, the rejection of claims 1, 6, 14, 30, 35, 45, and 47 and their dependent claims under 35 U.S.C. § 101 should be withdrawn.

Double Patenting Rejection

Claims 1-47 stand provisionally rejected under the judicially created doctrine of double patenting. The Examiner contends that claims 1-47 are not patentably distinct over claims 1-33 from U.S. Patent Application 10/664,929.

As an initial matter, Applicant notes that although the Examiner provisionally rejects claims 1-47 of the instant application based on the claims of U.S. Patent Application number 10/664,929 (the ‘929 application), the Examiner does not specifically address any of the claims of the instant application. Instead the Examiner attempts to summarize the scope of the claims of the instant application by stating: “a method of associating a resource with a geographical location to which the resource relates where the method determines the location information associated with users that access the resources, performing a cluster analysis based on the location information, collecting location information, determining a plurality of locations associated with the users that access the resource, and analyzing the determined location to determine geographical relevance.” Applicants object to this cursory characterization of the scope of claims 1-47. Claims 1-47 include a number of independent claims of differing scope. If the Examiner persists in this rejection, Applicants request that the Examiner more

specifically state the alleged correspondence between the features in the claims of the instant application that the features in the claims of the '929 application.

In any event, Applicants respectfully traverse the rejection of claims 1-47 as being obvious over claims 1-33 of the '929 application.

Amended claim 1 of the instant application recites, among other things, performing a cluster analysis of geographic locations (which are recited in claim 1 as geographic locations associated with users) to locate a cluster of the geographic locations. At least this feature of claim 1 is not obvious in view of the claims of the '929 application. Claim 1 of the '929 application, for example, recites, among other things, "grouping the relevant documents into clusters." (emphasis added). It can be appreciated that these concepts are not obvious variations of one another, and accordingly, the provisional double patenting rejection with respect to claim 1 and its dependent claims 2-4 should therefore be withdrawn.

Independent claim 14 of the instant application recites, among other things, "analyzing, via a cluster analysis, the determined locations to determine geographical relevance of the web site." For reasons similar to those given above with respect to claim 1, Applicants submit that the concepts recited in this claim are not obvious variations of the claims of the '929 application, and accordingly, the provisional double patenting rejection with respect to claim 14 and its dependent claims 16-29 should therefore be withdrawn.

Independent claim 30 of the instant application recites, among other things, "performing a cluster analysis on the location data points to locate clusters of the located data points, the located clusters indicating areas of geographic relevance." For reasons

similar to those given above with respect to claim 1, Applicants submit that the concepts recited in this claim are not obvious variations of the claims of the '929 application, and accordingly, the provisional double patenting rejection with respect to claim 30 and its dependent claims 31-34 should therefore be withdrawn.

Independent claim 35 of the instant application recites, among other things, "geographic relevance information including information that defines at least one cluster associated with the network resource, the information defining the at least one cluster including at least a center point of the cluster and a measure of dispersion of the cluster." For reasons similar to those given above with respect to claim 1, Applicants submit that the concepts recited in this claim are not obvious variations of the claims of the '929 application, and accordingly, the provisional double patenting rejection with respect to claim 35 and its dependent claims 36-44 should therefore be withdrawn.

Independent claim 45 of the instant application recites, among other things, "perform a cluster analysis on the data points to locate one or more clusters of the data points." For reasons similar to those given above with respect to claim 1, Applicants submit that the concepts recited in this claim are not obvious variations of the claims of the '929 application, and accordingly, the provisional double patenting rejection with respect to claim 45 and its dependent claim 46 should therefore be withdrawn.

Independent claim 47 of the instant application recites, among other things, "means for performing a cluster analysis on the data points to locate one or more clusters of the data points." For reasons similar to those given above with respect to claim 1, Applicants submit that the concepts recited in this claim are not obvious variations of the

claims of the '929 application, and accordingly, the provisional double patenting rejection with respect to claim 47 should therefore be withdrawn.

*Rejection of Claims Under 35 U.S.C. § 102(e)
Based on Hourí*

Claims 1-4, 6-11, 14, 16, 19-21, 28, 29, 35, 37-39, 42-45, and 47 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hourí. For the following reasons, Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Hourí does not disclose or suggest the combination of features recited in Applicants' claims 1-4, 6-11, 14, 16, 19-21, 28, 29, 35, 37-39, 42-45, and 47.

Amended claim 1 is directed to a method comprising determining geographic locations associated with users that access a resource; performing a cluster analysis of the geographic locations to locate a cluster of the geographic locations; and storing an indication that the resource is associated with a geographic area corresponding to the located cluster.

Hourí does not disclose or suggest each of the features recited in amended claim 1. Hourí does not disclose or suggest, for example, performing a cluster analysis of geographic locations to locate a cluster of geographic locations. Hourí, in fact, completely fails to disclose or suggest performing a cluster analysis, much less performing a cluster analysis in the manner recited in claim 1.

The Examiner contends that Houri's disclosure of "statistical analysis is applied to estimate geographic location of the host" is relevant to this feature of claim 1 and particularly cites col. 2, lines 34-40 and col. 11, lines 17-30 of Houri. (Office Action, page 9.) Although these sections of Houri describe "statistical analysis," Applicants submit that the mere fact that Houri uses statistical analysis does not disclose or suggest, as recited in claim 1, performing a cluster analysis of geographic locations to locate a cluster of geographic locations.

The portions of Houri that were particularly cited by the Examiner state:

However, in another embodiment of the invention, the association of an IP address with a geographic location is accomplished by employing a statistical analysis on the number of users connected to a particular host site and their corresponding geographical locations as obtained by the location tracking system. The location tracking system then stores that derived information in a IP address-geographic location database.

(Houri, col. 2, lines 34-40.)

At step 156 location tracking system 10 provides the geographic location of the host that is closest to target host (n). At step 158 location tracking system 10 checks physical connections table 8 and determines all IP addresses of computer nodes that were physically connected to this host, when location tracking system 10 was populating the database during the database mapping mode. At step 160, location tracking system 10 applies statistical analysis to estimate geographic location of host (n) as described in an exemplary situation illustrated in FIG. 6. Basically, location tracking system 10 looks at the geographical location of all connections to the server that serves a target host and applies some averaging operation to estimate the geographical location of the server.

(Houri, col. 11, lines 17-30.) These sections of Houri relate to an embodiment in which a location tracking system 10 uses the geographic location of a host (also called a server by Houri in this section of Houri). According to Houri, a location tracking system 10 looks at connections to the host and applies some averaging operation to estimate the geographical location of the host. It can be appreciated that an "averaging operation," as

described by Houri, is not a cluster analysis, and thus Houri in no way discloses or suggests performing a cluster analysis of the geographic locations to locate a cluster of the geographic locations, as recited in claim 1.

Amended claim 1 additionally recites determining geographic locations associated with users that access a resource. Applicants note that in Houri, the connections to the host, which are used in the averaging operation of Houri, appear to refer to physical network connections between nodes in the network. (Houri, col. 5, lines 19-28.) Applicants submit that averaging locations of nodes that are connected to a node for which a geographical location is sought, as is apparently disclosed by Houri, is a significantly different concept than the determined geographic locations recited in claim 1, which are associated with users that access a resource.

For at least these reasons, Applicants submit that Houri does not disclose or suggest each of the features recited in claim 1. Accordingly, the rejection of claim 1 under 35 U.S.C. § 102(e) based on Houri is improper and should be withdrawn. The rejection of claims 2-4 based on Houri is also improper and should be withdrawn, at least by virtue of the dependency of these claims from claim 1.

Claims 2-4 recite additional features that are not disclosed or suggested by Houri. Claim 2, for example, recites the resource is a web advertisement. Houri does not disclose or suggest this feature of claim 2. In rejecting claim 2, the Examiner particularly points to column 13, lines 6-14 and 59-65 of Houri. (Office Action, page 9.) These sections of Houri describe using the geographic location of a user to allow a website to provide information corresponding to the geographic location of the user. Claim 2, however, recites that the resource recited in claim 1 is a web advertisement. For at least

this reason, in addition to the dependency of claim 2 from claim 1, Applicants submit that Houri does not disclose or suggest each of the features of claim 2 and the rejection of claim 2 should be withdrawn.

Independent claim 6 and its dependent claims 7-11 also stand rejected under 35 U.S.C. § 102(c) based on Houri.

Amended claim 6 is directed to a method of providing documents. The method includes collecting location information associated with first users that access a resource; performing an analysis on the collected location information to determine the geographic relevance of the resource; determining second location information associated with a second user; and providing a document associated with the resource to the second user based, at least in part, on a matching of the geographic relevance of the resource to the second location information. Houri does not disclose or suggest each of the features of this claim.

Houri does not disclose or suggest, for example, providing a document associated with the resource to the second user based, at least in part, on a matching of the geographic relevance of the resource to the second location information. In rejecting claim 6, the Examiner contended that Houri discloses these features of claim 6, and particularly points to column 13, lines 6-14 and 59-65 of Houri. (Office Action, page 10.) Applicants respectfully disagree with the Examiner's interpretation of Houri.

Column 13, lines 6-14 and 59-65 of Houri state:

One application wherein location tracking system 10 can be used is the situation where a website can provide appropriate information corresponding to the geographic location of the user visiting the site. For example, a site that provides different information, goods or services to end users based on their geographic location may employ location tracking system 10 to obtain the geographic location of the end user and provide

the appropriate information automatically. To this end FIG. 7 illustrates a block diagram of an arrangement wherein location tracking system 10, in accordance with one embodiment of the present invention may be employed.

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In such a situation, the website forwards the IP address of a user accessing the web page to a plurality of location tracking systems 10. For example, one location tracking system may be associated with an advertising content provider. Another location tracking system may be associated with a news content provider. Website 264 sends the user's IP addresses to each one of these location tracking systems to determine the geographic location of the user, and to provide the appropriate URL to the user's browser so that the corresponding portion of the web page would receive the contents of this appropriate URL.

These sections of Hour1 relate to using geographic information of a user visiting a site.

Nothing in this section of Hour1, nor any other section of Hour1, however, can be reasonably said to disclose or suggest providing a document associated with a resource to a second user based, at least in part, on a matching of the geographic relevance of the resource to the second location information. Customizing content delivered to a user based on the user's location, as is apparently disclosed by Hour1, simply does not disclose or suggest providing of a document as recited in claim 6, based, at least in part, on a matching of the geographic relevance of the resource to the second location.

For at least these reasons, Applicants submit that Hour1 does not disclose or suggest each of the features recited in claim 6. Accordingly, the rejection of claim 6 under 35 U.S.C. § 102(e) based on Hour1 is improper and should be withdrawn. The rejection of claims 7-11 based on Hour1 is also improper and should be withdrawn, at least by virtue of the dependency of these claims from claim 6.

Claims 7-11 recite additional features that are not disclosed or suggested by Houri. Claim 7, for example, recites that collecting location information further comprises collecting location information from multiple first users, and wherein performing an analysis further comprises performing a cluster analysis. Houri does not disclose or suggest this feature of claim 7. As discussed with respect to claim 1, Houri completely fails to disclose or suggest performing a cluster analysis. Houri, therefore, cannot disclose or suggest at least this aspect of claim 7. For at least this reason, in addition to the dependency of claim 7 from claim 6, Applicants submit that Houri does not disclose or suggest each of the features of claim 7 and the rejection of claim 7 should be withdrawn.

Dependent claim 9 recites that a document associated with the resource is a web advertisement. Houri does not disclose or suggest this feature of claim 9. In rejecting claim 9, the Examiner particularly points to column 13, lines 6-14 of Houri. (Office Action, page 11.) As previously discussed, these sections of Houri describe using the geographic location of a user to allow a website to provide information corresponding to the geographic location of the user. Claim 9, however, recites that the document associated with the resource is a web advertisement. For at least this reason, in addition to the dependency of claim 9 from 8, Applicants submit that Houri does not disclose or suggest each of the features of claim 9 and the rejection of claim 9 should be withdrawn.

Independent claim 14 and its dependent claims 16, 19-21, 28, and 29 also stand rejected under 35 U.S.C. § 102(c) based on Houri.

Amended claim 14 is directed to a method of associating a web site with a geographic location to which the web site relates. The method includes determining a

plurality of locations associated with users that access the web site; analyzing, via a cluster analysis, the determined locations to determine geographical relevance of the web site; and storing the determined geographical relevance of the web site.

Houri does not disclose or suggest each of the features recited in amended claim 14. Houri does not disclose or suggest, for example, analyzing, via a cluster analysis, a plurality of determined locations to determine geographical relevance of a web site. As previously mentioned with respect to the rejection of claim 1, Houri, in fact, completely fails to disclose or suggest performing a cluster analysis, much less performing a cluster analysis in the manner recited in claim 14.

For at least these reasons, Applicants submit that Houri does not disclose or suggest each of the features recited in claim 14. Accordingly, the rejection of claim 14 under 35 U.S.C. § 102(e) based on Houri is improper and should be withdrawn. The rejection of claims 16, 19-21, 28, and 29 based on Houri is also improper and should be withdrawn, at least by virtue of the dependency of these claims from claim 14.

Independent claim 35 and its dependent claims 37-39 and 42-44 also stand rejected under 35 U.S.C. § 102(e) based on Houri.

Amended claim 35 is directed to a method for determining a probability that a user submitting a search query is geographically relevant to a network resource. The method comprises determining a geographic location associated with the user; acquiring geographic relevance information for the network resource, the geographic relevance information including information that defines at least one cluster associated with the network resource, the information defining the at least one cluster including at least a center point of the cluster and a measure of dispersion of the cluster; determining the

probability that the user is geographically relevant to the network resource based on a statistical model applied to the at least one cluster; and returning search results to the user based on the determined probability.

Houri does not disclose or suggest each of the features recited in amended claim 35. Houri does not disclose or suggest, for example, acquiring geographic relevance information for the network resource, the geographic relevance information including information that defines at least one cluster associated with the network resource, the information defining the at least one cluster including at least a center point of the cluster and a measure of dispersion of the cluster. As previously mentioned with respect to the rejection of claim 35, Houri, in fact, completely fails to disclose or suggest a cluster, much less the features of claim 35 relating to a cluster.

In rejecting claim 35, the Examiner particularly points to column 7, lines 28-42 and column 7, line 59 through column 8, line 4 as being relevant to this feature of claim 35. (Office Action, page 13.) Column 7, lines 28-42 of Houri state:

It is noted that in accordance with another embodiment of the invention, location tracking system 10 may also employ a statistical analysis to determine the geographical location of a server node based on the number of end users and their geographical locations connected to the server. Thus, there may be numerous dynamic IP addresses uncovered with their corresponding geographical location connected to the server. Location tracking system 10 determines the number of users connected to it. Database management module 14 (FIG. 1(a)) then determines the percentage of users connected to this IP address who are from the same geographic location. If the percentage is above a predefined threshold of n%, location tracking system 10 assigns that geographic location to the IP address and adds that information to database 12 also.

This section of Houri generally describes the use of “statistical analysis” by location tracking system 10. Neither this statistical analysis, nor any other analysis described by Houri, however, discloses or suggests acquiring geographic relevance information for the

network resource, the geographic relevance information including information that defines at least one cluster associated with the network resource, as recited in claim 35. As previously mentioned, Houri completely fails to disclose or suggest clustering of information, and thus could not possibly disclose or suggest geographic relevance information including information that defines at least one cluster associated with the network resource, as recited in claim 35.

Column 7, line 59 through column 8, line 4, of Houri, which was also cited by the Examiner as being relevant to claim 35, states:

For example, the system at step 58 determines the number of users or hosts from the same city who are connected to the same server uncovered at step 56. If the number of users or hosts from the same city satisfies the n% threshold, the system assigns that city name to the IP address of the host. If the number of users or hosts from the same city does not satisfy the threshold, the system then determines the number of users or hosts from the same state. If the number of users from the same state satisfies the n% threshold, the system assigns that state name to the IP address of a host. Similarly, if the number of users or hosts from the same country satisfy the threshold, the system assigns that country name to the IP address of the host.

This section of Houri generally relates to determining whether to assign a city or state to an IP address of a host. This section of Houri, however, also fails to disclose or suggest acquiring geographic relevance information for the network resource, the geographic relevance information including information that defines at least one cluster associated with the network resource, as recited in claim 35.

Claim 35 further recites that the information defining the at least one cluster includes at least a center point of the cluster and a measure of dispersion of the cluster. Applicants submit that Houri completely fails to disclose or suggest clustering information in any way, much less the information recited in claim 35, which defines the

at least one cluster and includes at least a center point of the cluster and a measure of dispersion of the cluster.

For at least these reasons, Applicants submit that Houri does not disclose or suggest each of the features recited in claim 35. Accordingly, the rejection of claim 35 under 35 U.S.C. § 102(e) based on Houri is improper and should be withdrawn. The rejection of dependent claims 37-39 and 42-44 based on Houri is also improper and should be withdrawn, at least by virtue of the dependency of these claims from claim 35.

Claims 37-39 and 42-44 recite additional features that are not disclosed or suggested by Houri. Claim 39, for example, recites that the determination of geographic relevance of the user is based on web access patterns of the user. Houri does not disclose or suggest this feature of claim 39. In rejecting claim 39, the Examiner particularly points to column 1, lines 56-60 and column 2, lines 3-7 of Houri as being relevant to claim 39. (Office Action, page 14.) Applicants have reviewed these sections of Houri. Nowhere in these sections of Houri, or in any other section, does Houri disclose or suggest a determination of geographic relevance of a user based on web access patterns of the user. If the Examiner persists in this rejection, Applicants request that the Examiner more clearly state how these sections of Houri are being interpreted to being relevant to claim 39. For at least this reason, in addition to the dependency of claim 39 from claim 35, Applicants submit that Houri does not disclose or suggest each of the features of claim 39 and the rejection of claim 39 should be withdrawn.

Independent claims 45 and 47 also stand rejected under 35 U.S.C. § 102(e) based on Houri. Claims 45 and 47 recite features similar to, although possibly different in scope from, the features recited in claim 1. Accordingly, for reasons similar to those

given above, Applicants submit that the rejections of claims 45 and 47 under 35 U.S.C. § 102(e) are also improper and should be withdrawn.

*Rejection of Claims Under 35 U.S.C. § 103(a)
Based on Houri and Shultz et al.*

Claims 12, 13, 17, 18, 22-27, 30-34, 36, 40, 41, and 46 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Houri in view of Shultz. For the following reasons, Applicants respectfully traverse this rejection.

Claims 12, 13, 17, 18, and 22-27 depend, either directly or indirectly, from one of independent claims 6 or 14. Applicants submit that Shultz does not cure the above-mentioned deficiencies of Houri with respect to claims 6 and 14. Accordingly, at least by virtue of the dependency 12, 13, 17, 18, and 22-27 from claim 6 or 14, Applicants submit that the rejection of these claims based on Houri and Shultz is improper and should be withdrawn.

Independent claim 30 and its dependent claims 31-34 also stand rejected under 35 U.S.C. § 103(a) based on Houri and Shultz. For at least the following reasons, Applicants respectfully traverse this rejection.

Amended claim 30 is directed to a search engine that comprises a document selector component and a geographic relevance component. The document selector component is configured to locate a set of documents relevant to a search query, the document selector component basing the determination of relevancy at least in part on geographic relevance information associated with documents in the set of documents. The geographic relevance component is configured to generate the geographic relevance information associated with the documents in the set of documents by gathering a

plurality of network addresses of users that access the documents in the set of documents, mapping the plurality of network addresses to location data points, and performing a cluster analysis on the location data points to locate clusters of the located data points, the located clusters indicating areas of geographic relevance. The search engine returns search results to a user based on the set of relevant documents.

Houri and Shultz, either alone or in combination, do not disclose or suggest each of the features recited in amended claim 30. Neither Houri nor Shultz, for example, disclose or suggest the geographic relevance component recited in claim 30. For example, as discussed previously, Houri does not perform any operation that can be reasonably construed as a cluster analysis, much less, as recited in claim 30, a geographic relevance component that, among other things, performs a cluster analysis on the location data points to locate clusters of the located data points, the located clusters indicating areas of geographic relevance.

In rejecting claim 30, the Examiner relies on Houri to disclose the geographic relevance component recited in claim 30. (Office Action, page 24 and 25.) The Examiner particularly cites column 2, lines 34-40 and column 11, lines 17-30 of Houri as being relevant to performing a cluster analysis as recited in claim 30. (Office Action, page 25.) Applicants respectfully disagree with the Examiner's interpretation of Houri.

The sections of Houri cited by the Examiner are quoted above with respect to the arguments relating to claim 1. As previously discussed, these sections of Houri relate to an embodiment in which a location tracking system 10 uses the geographic location of a host (also called a server by Houri in this section of Houri). According to Houri, a location tracking system 10 looks at connections to the host and applies some averaging

operation to estimate the geographical location of the host. It can be appreciated that an “averaging operation,” as described by Hourí, is not a cluster analysis, and thus Hourí in no way discloses or suggests performing a cluster analysis on the location data points to locate clusters of the located data points, the located clusters indicating areas of geographic relevance, as recited in claim 30.

For at least these reasons, Applicants submit that Hourí does not disclose or suggest each of the features recited in claim 30. Shultz does not cure the deficiencies of Hourí. Accordingly, the rejection of claim 30 under 35 U.S.C. § 103(a) based on Hourí and Shultz is improper and should be withdrawn. The rejection of claims 31-34 based on Hourí and Shultz is also improper and should be withdrawn, at least by virtue of the dependency of these claims from claim 30.

Dependent claims 36, 40, 41, and 46 also stand rejected under 35 U.S.C. § 103(a) based on Hourí and Shultz. Claims 36, 40, 41, and 46 depend, either directly or indirectly, from one of independent claims 35 or 45. Applicants submit that Shultz does not cure the above-mentioned deficiencies of Hourí with respect to claims 35 and 45. Accordingly, at least by virtue of the dependency of claims 36, 40, 41, and 46 from claim 35 or 45, Applicants submit that the rejection of these claims based on Hourí and Shultz is improper and should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or that such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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